

REMARKS

After entry of this Response, claims 1 - 9 are pending in this application. Claim 1 had been amended and claims 2 - 5 are in the condition as originally-filed. Claims 6 - 9 have been added. Reconsideration and withdrawal of the Examiner's rejection is requested.

In the Office Action dated December 9, 2004, claims 1 - 5 stand rejected under 35 U.S.C. § 103(a) as being obvious over Pueschel et al., U.S. Pat. No. 6,361,126, in view of Itoh et al., U.S. Pat. No. 6,349,995, and Kollers et al., U.S. Pat. No. 5,131,730. The Examiner states that Pueschel et al. discloses a brake system very close to the Applicants' but lacks specifically mentioning when the pump is shut off. The Examiner further asserts that Itoh et al. discloses that noise may be reduced by controlling operation of the pump motor and with inlet and changeover valve positions. The Examiner further asserts that Kollers et al. teaches that at the end of the traction control the pump motor is switched off and the pressure control valve assembly is open and that noise reduction can be reduced through the control of valves and operation of the pump.

Claim 1 has been amended to recite pumping fluid to the brake caliper with the pump to execute a controlled brake event wherein fluid pressure at the brake caliper is increased to a desired pressure and discontinuing the pumping during the controlled brake event prior to the fluid pressure in the first fluid line reaching the predetermined pressure and prior to the bypass-isolation valve opening and prior to completion of the controlled brake event. The amendments to claim 1 are supported by the application as originally filed, especially starting at paragraph [0017] and in Figure 2. Neither Pueschel et al., nor Itoh et al., nor Kollers et al. teach or suggest the invention as recited in the claims. The Examiner has acknowledged that Pueschel et al. lacks mentioning when the pump is shut off.

Applicants traverse the assertion that Itoh et al. discloses that noise may be reduced by controlling operation of the pump motor *and* with inlet and changeover valve positions. The portion of Itoh et al. cited by the Examiner states:

It is also assumed that when the brake-assist control is to be performed, an increasing gradient of the wheel cylinder pressure is controlled by turning on a pump motor, or controlling on/off of the motor, with an inlet valve placed in its open position, and with a changeover valve placed in its closed position. As a result, it may be possible to reduce a noise caused when driving the pump motor, comparing with that caused when driving the pump motor continuously.

Itoh et al., column 1, lines 45-52, (emphasis added). The quoted text sets forth the positions of the valves but only associates noise reduction with pump control, not with switching of the valves. In other words, Itoh et al. does not teach or suggest controlling a pump based on the operation of valves. Claim 1 recites that pumping is discontinued prior the bypass isolation valve opening and

prior to completion of the controlled brake event. Itoh et al. does not disclose that pumping is discontinued during brake-assist control and prior to the changeover valve opening. The quoted text is further explained starting at column 7, line 35, where Itoh et al. discloses that the speed of the pump is reduced during operation by changing the duty cycle of the motor. In other words, a variable amount of voltage is applied to motor, but the motor is always running.

Applicants further submit that Kollers et al. does not teach or suggest the invention recited in the claims. As acknowledged by the Examiner, the pump of Kollers et al. is shut off at the end of traction control when pressure builds are no longer needed. Claim 1 recites discontinuing the pumping during the controlled brake event prior to the fluid pressure in the first fluid line reaching the predetermined pressure and prior to the bypass-isolation valve opening and prior to completion of the controlled brake event.

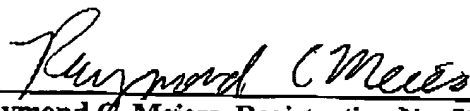
New claims 6 - 9 have been added to the application by this Amendment. New claims 6 - 9 have antecedent basis in the application as filed. Claim 6 is supported by the written description starting at paragraph [0017] and the flow diagram of Figure 2. Claim 7 is supported by paragraph [0021]. Claim 8 - 9 are supported by paragraph [0017]. The Examiner's consideration of new claims 6 - 9 is requested.

It is submitted that the amendments place the claims of the application in suitable condition for allowance; notice of which is respectfully requested. If the Examiner believes that prosecution of the application can be expedited by way of an Examiner's amendment, the Examiner is invited to contact the Applicants' attorney at the telephone number listed below.

Respectfully submitted,


HOWARD & HOWARD ATTORNEYS

March 3, 2005


Raymond G. Meiers, Registration No. 51,081
Howard and Howard Attorneys, P.C.
The Pinehurst Office Center, Suite 101
39400 Woodward Ave.
Bloomfield Hills, MI 48304-5151
(248) 723-0417

CERTIFICATE OF FACSIMILE TRANSMISSION**PURSUANT TO 37 C.F.R. §§ 1.6 AND 1.8**

I hereby certify that this **AMENDMENT** is faxed to Examiner Christopher P. Schwartz,
Art Group 3683, at Facsimile Number (703) 872-9306, on **March 3, 2005**.


Karri M. Chamberlin